
OLR Bill Analysis

sHB 6692

AN ACT CONCERNING THE COURT'S AUTHORITY TO DENY AN APPLICATION FOR THE WAIVER OF COURT FEES.

SUMMARY:

This bill allows the court to deny an indigent person's application for waiver of court and service of process fees if:

1. the applicant has an extended pattern of filings on the same or similar matters that have been without merit and deemed frivolous and an abuse of the judicial process;
2. the current application is consistent with the pattern of frivolous filings;
3. the associated case does not, on its face, state a claim for which relief could be granted and would likely be dismissed by the court as frivolous; and
4. granting the waiver would be an egregious misuse of the Judicial Branch resources.

The law, unchanged by the bill, requires the court to grant a hearing on a denied fee waiver application if the applicant requests one.

EFFECTIVE DATE: October 1, 2013

BACKGROUND

Waiver of Fees for Indigent Party

By law, the court must waive fees in a civil or criminal matter if it finds that the party applying for a waiver is unable to pay the fees, in which case the state must pay the cost. The court must waive the costs if the person:

1. receives public assistance,

2. has net income that is 125% or less of the federal poverty level,
or
3. is otherwise determined by the court to be indigent.

Public assistance includes state-administered general assistance, temporary family assistance, aid to the aged, blind and disabled, supplemental nutrition assistance, and Supplemental Security Income.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)